

## LEHIGH CONVICTS IN REBATE CASE

Coal Concern Guilty of  
Receiving Allowances  
from Railroad.

U. S. MAY IMPOSE  
FINE OF MILLIONS

Could Sue for Recovery of  
Three Times the Amount of  
Rebates Collected.

Trenton, N. J., March 16. The Lehigh Coal and Navigation Company was convicted on all of them. The maximum fine possible under the verdict is \$500,000, but the jury in returning its verdict recommended mercy.

This case marks the second stage of a prosecution which was begun more than a year ago as a result of the alleged practice of the railroad company in paying to the Navigation company allowances out of the lawfully published rates on all shipments of anthracite coal made by the Navigation company from Nesquehoning, Penn., to points in New Jersey.

The indictment was in twenty-seven counts, and the Navigation company was convicted on all of them. The maximum fine possible under the verdict is \$500,000, but the jury in returning its verdict recommended mercy.

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Company Alleges Good Faith. The defense offered by the Navigation company was that it acted in entire good faith in accepting payments, since they were made as a part of the consideration under a contract by which the Navigation company in 1871 leased the Lehigh and Susquehanna Railroad, extending from Mauch Chunk, Pa., to Easton, N. J., to the Central company for ninety years. This same defense of good faith had been urged by the Central Railroad.

In the course of the argument the attorney for the government called attention to the fact that in addition to the fine which might be imposed against the Navigation company for the offenses of which it was convicted, the Elkins act provides that the government may bring a further suit for the recovery of three times the amount of all the rebates which the Navigation company has received in the last six years. It is said that the penalty might amount to several million dollars. It could not be learned whether the government intended to undertake this further prosecution.

Cases Vastly Important. This case and the Central Railroad case, which has just been disposed of, are regarded as two of the most important prosecutions that have been undertaken under the commerce act, the fine of \$200,000 collected by the government in the Central Railroad case is the largest ever collected under the Elkins act. Aside from the penalty, however, the questions of law decided in these cases are deemed by the government to be of the utmost importance in the enforcement of the whole system of laws regulating interstate transportation.

SENATE CONFIRMS  
NEW P. S. C. BOARD

Continued from page 1

learned a lesson and would hereafter serve the people if confirmed. "If he doesn't," said Mr. Thompson, "there may be a Governor who will remove him."

Senator Mills declared that he did not believe Whitney guilty of all the charges made against him by Senator Thompson. He said, however, that he did not believe either Whitney or Hervey measured up to the places to which they were appointed.

Senator Carlisle, a Democrat, poked a little fun into the controversy by asserting that Governor Whitman constantly reminded him of Justice Hughes. This caused a laugh, to which the Senator answered, "I don't mean what you mean. It is because Governor Whitman is always talking of Justice Hughes that he reminds me of him constantly."

The Democratic Senator declared that the Governor had forced the confirmation of his two appointments by dangling jobs in front of the Republican Senators. "He has taken you by one, to the top of the mountain," he said, "and shown you the beautiful valley below. He has allowed you, one by one, to handle a beautiful plum. But be careful, for it may be the last of you before you are allowed to handle the same plum."

Senator Sage spoke against the confirmation of Whitney and Hervey. "Mr. Hervey," he said, "is a budgeteer. He is supposed to be an expert accountant and statistician, but if he had let us alone we would have put in more than a month ago a much better budget than he is now going to have."

Mr. Sage quoted numerous "typographical errors" which involved large sums to prove his point, and said that Hervey was either incompetent or malicious, because he had prepared an impossible budget bill.

"Any Senator who votes for the confirmation of Hervey," Mr. Sage declared, "will do so against his conscience and his understanding."

Senator Brown, in voting for the confirmation, said he did so with great reluctance.

Governor Whitman's friends predicted early in the day that all the nominations would be acted on favorably, but they continued busy throughout the day talking with Senators in the lobby and corridors. Among the Governor's friends who were conspicuously active were William A. Orr, his private secretary; Edwin Duffell and Jesse S. Phillips, his appointees as Highway Commissioner and Superintendent of Insurance, respectively; George Glynn, his executive auditor, and Franklin B. Lord, his counsel.

Whitney Wholly Worthy, Oscar Straus Declares. Oscar Straus, chairman of the Public Service Commission, who threatened to resign if he was deprived of the services of Travis H. Whitney, was greatly pleased last night when he heard that the Senate had confirmed the appointment of the commission's secretary.

"I regard the addition of Mr. Whitney as a member of this commission as most important and valuable and in the highest interest of good government and a tribute to civil service reform," said Mr. Straus. "Mr. Whitney's thorough knowledge of the colossal de-

tails of the rapid transit and other work of the commission is of the highest value in the proper administration of the responsible duties that the commission has in charge.

"My fellow commissioners no less than myself heartily welcome Mr. Whitney as their colleague. He is not only eminently qualified by experience, but by character and devotion to the work."

"No one has been able to cast a single reflection upon Mr. Whitney's character or upon his fidelity to the duties of the office that has not been paid. He assumes no primary responsibility. The real reason for the opposition to him was because of his virtues, and not because of his failings."

"If he had been selected from a political standpoint most of the opposition would not have been made, but he was appointed on his merits. The very opposition is a tribute to him because of the fact that all who have been able to point to a single act in his public career that is discreditable to him. He comes out of the fire not scorched, but purified in the public conscience."

Mr. Whitney, who was besieged with congratulations by all the employees in the office, stopped shaking hands long enough to say:

"I have always tried to have my work speak for itself. I shall continue to do so. I know the problems that are to be handled, and hope in my application to them to justify the great honor conferred on me by the Governor and the confidence and good will of Chairman Straus and the other commissioners."

Mr. Whitney refused to comment on the attack made on him by Senators Thompson and Landon.

ALINIST UNDAUNTED  
BY 3-HOUR QUESTION

Agrees After Siege That Maker  
of Will Was Unsound.

Most of yesterday's session of the contest over Mrs. Jane E. Harney's will, (supposed of \$500,000), was taken up by Jeremiah A. O'Leary, counsel for the contestants, in asking one question of Dr. Smith Ely Jelliffe, an alienist. It took the lawyer three hours, or about the time it takes to go to Philadelphia and back to Trenton, to complete the byzantine question.

Dr. Jelliffe replied that Mrs. Harney was of unsound mind, without testaments capacity and ignorant of the extent of her property or who her heirs were. He said the old woman was demented, and in which people "live in a partial dream."

In that condition, Dr. Jelliffe said, it was possible for Mrs. Harney to have consigned her lawyer's "heirloom" stocks, bonds and other property to a stranger.

William Travers Jerome, counsel for Louis V. Whitney, who was the beneficiary in the Harney case, was asked by Dr. Jelliffe if the alienist had not testified at one of the Harney trials that many victims of dementia praecox recovered.

Dr. Jelliffe admitted he had so testified.

Dr. William A. Doid, assistant superintendent of Bloomingdale Asylum, when Mrs. Harney was committed there, also had dementia praecox with paranoiac tendencies.

UNIQUE COURT FOR CITY  
"Municipal Term" Will Deal with Civic  
Violations.

New York will soon have a special court devoted entirely to cases in which the various city departments are concerned. It will be opened on March 20 in Room 800, Municipal Building, and, according to Chief Magistrate McAdoo, it will be the only court of its kind in the United States.

The new court, which will be held in the Municipal Building, will deal with the "Municipal Term" for the convenience of Manhattan and The Bronx.

In this court will come cases such as owners of buildings who violate the city and state laws; in a word, all the actions brought to enforce the rules and regulations with which the city government is charged. All the city government is charged. All the city government is charged.

FOUR HURT BOBLEDING  
Car from the Payne Whitney Estate  
Causes Crash.

Bobsiding on the North Hempstead Turnpike at Manhasset, Long Island, was brought to a sudden conclusion last night, when a sudden collision between a car and a bobsled caused the death of four people.

The car, which was driven by Herman Snyder, a chauffeur, drove out of the Payne Whitney estate, which is half Payne and half Whitney, and caused the accident. The chauffeur escaped with a few scratches.

GRATING REPORT SHELVED  
P. S. C. Says Engineers Who Favored  
Ventilators Are Interested.

The Public Service Commission refused yesterday to pass on the report made a week ago by a joint committee of engineers of the Rapid Transit Company and the Brooklyn Rapid Transit Company recommending the continuance of the open grating system of ventilation in the new subway.

The Broadway Association and other civic bodies had protested against the open grates in the sidewalks.

Commissioner Hodge said it would be fair to property report of the Broadway to accept the new ventilation system, since they had constructed engineers, since they had constructed engineers, since they had constructed engineers.

Commissioner Hodge, who was authorized to engage a ventilation expert to report on the case.

Urge Freedom for Quinlan.  
Paterson, N. J., March 16.—A petition containing 22,000 names, many obtained in New York, was presented to Judge in New York to-day, asking him to rescind the sentence imposed on Patrick Quinlan, who is serving from two and a half to seven years in the 1913 jail for striking a riot in the 1913 strike.

He has been in prison about eleven months. Judge Klenck took the petition, but made no comment. Quinlan, who had affidavits from the I. W. O., last his first fight for a pardon. He has fled another petition.

To Operate "Hetty Green" Mine.  
The Old Eureka Mining Company has been incorporated under the laws of Delaware with an authorized capital of \$3,000,000, to operate the Old Eureka, or Hetty Green, mine in California, recently purchased by John D. Ryan and other local capitalists.

The mine has not been operated since 1886, and \$250,000 which was in the company's treasury will be used to develop it in condition. The interior is now filled in condition. During the time it was operated the mine yielded \$20,000,000 in ore. Of the 300,000 shares of capital stock 100,000 shares have been issued.

## LAWSON NOTES STRAIN 2 LAWS

Action on 'Phone Demand  
Is Up to Kings or  
Albany County.

DID DUTY TO PUBLIC.  
SAYS F. H. BETHELL

Senate Not Inclined to Act—Hint  
P. S. Intrigue to Aid Whitney and Hervey.

Two provisions of law, one from the Public Service law and the other from the Penal Code, were read eagerly by those interested in Senator Lawson's letters to the New York Telephone Company threatening to introduce inimical legislation if he did not get an extension telephone installed in his home free of charge.

If the company agreed to Senator Lawson's request he would save \$6 a year, or 50 cents a month.

Section 1328 of the Penal Code, headed "Receiving Bribes by a Member of the Legislature," reads:

"A member of either of the houses composing the Legislature of this state who asks, receives or agrees to receive any bribe, upon any understanding that his official vote, opinion, judgment or action shall be given in any particular manner, or upon any question or matter upon which he may be required to act in his official capacity, or who gives or offers or promises to give any official vote in consideration that another member of the Legislature shall give any such vote, either upon the same or another question, is punishable by imprisonment in the state prison for a period not exceeding ten years and be subject to a fine not exceeding \$5,000, or both."

Phone Company Stopped.  
Sections 91 and 92 of the Public Service law prohibit the telephone company, in the opinion of its lawyers, from doing that which Senator Lawson asked.

In the latter section occurs the following: "No telephone corporation shall charge, demand, collect or receive of or to be rendered than the charge applicable to such service as specified in its schedule on file and in effect at that time."

If any law was violated by Senator Lawson, jurisdiction would lie in either Kings or Albany county. In the latter county he is favored with a free extension.

District Attorney Cropsey of Kings County said yesterday that he had taken no action because the matter had not been brought to his attention. It was admitted that he received his salary through the ambassador, and that he has given lectures on the German side of the war.

Fire Headquarters has a record of a blaze at 109 East Twenty-fourth Street on the night of January 25. The building at that address is now vacant and padlocked. The windows, frames and door are blackened by smoke.

BAKER FOR TRAINING CAMPS  
War Secretary Heartily Indorses Summer Drill for Civilians.

Washington, March 16.—Secretary Baker heartily indorses to-day the movement for citizens' military training camps in a letter to the governing committee of the Camps Association of New York, in which he wrote:

"I heartily approve and indorse the valuable and patriotic service that is being rendered to the country by the training camps for civilians. I believe in the work of these camps, not only from the military point of view, but as of value to the nation educationally in promoting citizenship and good citizenship. The camps are exactly in line with the sound policy of reliance upon a citizenry trained to arms as our main safeguard for defense."

GLEN ISLAND BOUGHT;  
TO BE MOVIE CITY

Peerless Picture Co. Reported to  
Have Paid \$1,000,000.

Glen Island, long known to New Yorkers as a popular summer resort, is to become the home of a motion picture city, probably the largest colony of the sort in the world.

The island has been purchased by the Peerless Picture Corporation at a price reported yesterday at being in the neighborhood of \$1,000,000.

The island possesses about 100 acres of scenery which, to the eyes of the picture fan, might represent that of any part of the world. It possesses equipment resort features, including summer homes, trees, cliffs and other natural "sets" that will carry joy to the heart of the movie director.

WILL SCRAP NO MORE  
Pennsylvania State College Students  
Abandon Old Custom.

State College, Penn., March 16.—Class "scraps" at the Pennsylvania State College were abolished to-day by unanimous vote of the student body.

Agitation against continuance of the custom had been spreading since the recent failure in the bowl fight at the University of Pennsylvania.

For more than a decade Penn State sophomores and freshmen have had three classes annually—the elder class and the push ball fight in the fall, and the flag scrap in the spring. In the last three years more than 1,000 students have taken part in each event. No serious injuries have resulted.

Franklin Library Brings \$11,111.  
The sale of the library of the late William M. Franklin, at the Anderson Galleries, ended yesterday, with a total of \$11,111.75 for the 1,797 lots offered. The highest price at the final sale was \$250 paid by N. D. K. Co. for a copy of Ruskin's "Modern Painters," in five volumes, comprising first editions of Vols. III, IV and V, and including many fine engravings by and after Turner, and other master painters.

CONVICTS WANT COLUMBIA  
Sing Sing Challenges "Varsity" for  
Distinction of Baseball Game.

The opening of baseball game. The season at Sing Sing Prison will fall to the Varsity team of Columbia University, if the faculty of that institution accepts the challenge sent by the athletic committee of the Mutual Welfare League at the prison.

The baseball season at Sing Sing Prison will open the second week in April, and if Columbia accepts the challenge the team will have to come to the prison to play, as under the rules of the league all games must be played on the grounds, and there can be no return game.

## PLANE AT SUEZ SHOT DOWN

Allied Cruisers Shell Tote Burno, on Gallipoli.

Constantinople, March 16.—The War Office statement to-day says: "A hostile aeroplane was shot down at a point two kilometres east of the Suez Canal."

"Tote Burno, on the Gallipoli Peninsula, was shelled by hostile cruisers. Otherwise there is no change in the situation."

So far as is known, there are no large bodies of Turkish troops near the Suez Canal. A few brigades which reached the canal early last year were defeated by the British, and since that time no operations of importance in that region have been reported.

NEEDLE FOUND IN EYE  
OF GIRL; SURGEON SUEED  
\$50,000 Asked in Suit Accusing  
Physician of Negligence.

A broken needle left in a child's eye during an operation is the basis of a suit for \$50,000 damages brought against Dr. H. W. Weston, the surgeon, and the Manhattan Eye, Ear and Throat Hospital.

Mrs. Nestle di Becker Roland, an actress, is suing as guardian for her eight-year-old daughter Zaidie, the victim of the alleged negligence.

Zaidie was two years old when the operation was performed to correct a cataract in her right eye. Zaidie in the head followed the operation and Zaidie had frequent convulsions. The broken end of the needle which, it is alleged, Dr. Weston left in the child's eye was discovered a year and a month later by Mrs. Kate di Becker, her grandmother.

The broken piece of steel was removed with a pair of pincers.

Mrs. di Becker, the grandmother, said the trial yesterday that she observed a red spot on the child's forehead above the afflicted eye. She took Zaidie to the family physician, who prescribed an ointment. The spot did not disappear, and about a year later Mrs. di Becker found a sharp substance protruding from the centre of the red spot. She extracted a piece of a curved needle, about an inch and a half long, the fragment was kept as a relic.

Dr. Weston says he performed a Hess operation on the child, in which an anesthetic was necessary, and that the search for the needle was not begun until after the operation was over. It was without fatal result from the ether.

SAYS BRITISH STOLE  
NOTES, FIRED HIS HOME

Dr. Bertling, German Agent, to  
Appeal to Lansing.

The letters which "The New York World" printed yesterday morning, disclosing the relations between Dr. Karl Oscar Bertling and Count von Hertorff, were stolen, the doctor says, by English agents who, in addition to the theft, set fire to his home at 109 East Twenty-fourth Street.

Dr. Bertling, who is now in the United States, said that he had been in the United States for some time, and that he had been in the United States for some time, and that he had been in the United States for some time.

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## VIOLET RAY TRAP SET BY DETECTIVE

O'Farrell Operative Used  
Scheme to Discredit Diedling's  
Testimony.

KNOW IT A FRAME-UP,  
SAYS OSBORNE'S FOE

Defends Deal with Sales Co. of  
New Amsterdam Theatre to  
Recommend Cure Machine.

Dr. Rudolph Diedling, of the State Prison Commission, who accused Thomas Mott Osborne, former warden of Sing Sing, of perjury, swallowed the hook which was baited to discredit him by agents of Val O'Farrell, the detective, according to disclosures made yesterday.

Newspaper men and others who heard Dr. Diedling's testimony in White Plains Thursday regarding his endorsement of a violet ray machine which is supposed to cure various ailments were convinced that a trap had been set for the Commissioner. Investigation proved the truth of their suspicions.

Charles Kennedy, of 302 Broadway, admitted he acted for Val O'Farrell in the plot and told of its successful outcome. O'Farrell was mysteriously silent; he refused to admit anything. Mr. Kennedy grinned when he was questioned and said they wished to "show up" Diedling. As the Prison Commissioner is also a physician, it was decided to invent the bogus "Valentine Sales Company," 214 West Forty-second Street, dealers in violet ray machines. This address in reality is the New Amsterdam Theatre.

Diedling, "Best Physician." Then E. R. Valentine, an O'Farrell operative, wrote Dr. Diedling that he had come from upstate to this city to become agent for the Valentine Sales Company, and while stopping at a hotel in Saugerties, N. Y., Diedling's home town, inquired who was the best physician in that community. He said he was informed by all that Dr. Diedling occupied that enviable position.

Therefore, Valentine wrote, he was anxious that Dr. Diedling accept one of these violet ray machines, which are used for several odd ailments, and in order to do so he would recommend a story book, appeared at once amenable to business on condition that he receive 20 per cent on the sales of the machines resulting from his recommendation. A contract was drawn up on Biltmore Hotel stationery. This contract, signed by Diedling and Valentine, was produced in court Thursday by Mr. Battle, of counsel for Mr. Osborne.

Dated February 21, 1916, it read: "I, R. Diedling, hereby acknowledge receipt of one (mentioning the violet ray machine) from E. R. Valentine of 214 West Forty-second Street, New York City, N. Y. This machine is given me gratis with the understanding that I am to recommend this make of machine to any person to whom I may be asked to make a recommendation. It is also understood that I am to receive 20 per cent commission on the sale of any such machine when such sale is made through my recommendation. This agreement is to be effective for at least three months from date. Commissions to be paid immediately upon receipt of payment for the machine."

Know It Was a Frame-up.  
Testimony of the trial reads: Q.—So you agreed to recommend this machine before you ever got it? A.—I knew all about the machine. Q.—You say you hadn't received the machine? A.—I received it in the afternoon. I sent that (the above contract) and looked it over.

Then Charles Kennedy and R. Regal wrote Diedling, according to Kennedy's statement, inquiring about this violet ray machine and received forthwith replies from Dr. Diedling heartily indorsing it. These also were produced by Mr. Osborne's counsel.

Kennedy said Val O'Farrell has friends along Broadway, and one of them, in the New Amsterdam Theatre, promised to forward to his office any mail received which was addressed to E. R. Valentine, 214 West Forty-second Street.

This violet ray machine, so extolled by Dr. Diedling, is little known throughout the medical profession, coming to Dr. Isaac S. Hirsch, radiographer of Bellevue and Post-Graduate hospitals. Yesterday he said he knew nothing about this machine. At the Victor Electric Company, 141 West Twenty-second Street, it was said that this instrument is used in beauty parlors for facial massage. Dr. Diedling indorsed its use among fellow practitioners to me, among fellow practitioners to me, among fellow practitioners to me.

At his home, in Saugerties, last night Dr. Diedling sought to disprove his gullibility and that he had swallowed the bait hook, line and sinker.

"I knew all the time it was a frame-up," he said. "A friend of mine went to New York City and found Valentine at 214 West Forty-second Street, and I at 214 West Forty-second Street, and they were trying to get something on me. But the entire transaction was legitimate business and not at all discreditable."

Val O'Farrell, who was not employed by Thomas Mott Osborne.

Osborne Demands Full  
Exoneration, Not Acquittal

"I want no whitewash. Acquittal on the remaining indictment against me will not settle the main charge against me. What I shall ask when that is disposed of is the appointment by the Governor of a commission under the Moreland act to trash out the whole Sing Sing situation. If that commission reveals any evidence as to the main charge against me I can then be indicted by any grand jury."

"If I am guilty of these horrible charges, it is only just that I should be fairly and squarely indicted for them and stand on trial."

So said Thomas Mott Osborne yesterday, referring to the status of the case now pending against him. This case he sought to avert to an early trial, securing an order of notice returnable this morning, for District Attorney Weeks to show cause why the indictment should not be placed on trial at once.

Mr. Weeks's office will oppose this motion on the ground that he has other criminal business coming up next week, and that as the result of the Osborne investigation prisoners in the jail have not had an opportunity to be tried and placed on trial.

Mr. Osborne in his affidavit asserts that he had great difficulty in getting District Attorney Weeks to allow him to plead to the management indictment. He says the indictment was filed on December 28, and although he desired to plead the next day he had to wait a couple of days before he could

## BOLD, IRATE LADS AWAIT IRISH LINE

Hibernians Not in Parade  
Will Make Up Corps of  
Curbstone Critics.

LEADERS WARN  
AGAINST TROUBLE

Paid Recruits to March, Declare  
Disappointed Ones—Cardinal  
Will Not Review.

The last efforts to bury the shillalah having failed, Ireland will present a divided front to the world this afternoon when Coroner Timothy Healy, mounted on his charger "Preparedness," leads the St. Patrick's Day parade up Fifth Avenue. For years gone by every loyal son of Erin has "footed it" proudly along behind the band; this year, however, a large number of them will stand on the curb, disconsolate.

There will be no reviewing stand in front of St. Patrick's Cathedral, which means that Cardinal Farley will not review the parade. Officially he pleads ill-health, but it is generally known that he is displeased with the schism in the ranks